

PROB. 12B
(7/93)

ORIGINAL

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

United States District Court

for the

DISTRICT OF HAWAII

JUL 14 2006
at 1 o'clock and 46 min. PM
SUE BEITIA, CLERK

**Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender**

(Probation Form 49, Waiver of Hearing is Attached)

Name of Offender: CARL GRAHAM ROBERTS, JR. Case Number: CR 04-00239DAE-01

Name of Sentencing Judicial Officer: The Honorable David Alan Ezra
U.S. District Judge

Date of Original Sentence: 6/13/2005

Original Offense: Counts 1, 3, 5 and 6: UNAUTHORIZED SALE OF GOVERNMENT
PROPERTY IN EXCESS OF \$1,000, in violation of 18 U.S.C.
§§ 641 and 2, Class C felonies

Original Sentence: Thirty-six (36) months imprisonment and three (3) years of supervised release with the following special conditions:
1) Defendant shall participate in a substance abuse program, which may include drug testing at the discretion and direction of the Probation Office; 2) Defendant shall obtain a mental health assessment and, if deemed necessary, participate in a mental health program at the discretion and direction of the Probation Office; 3) Defendant shall provide the Probation Office and the Financial Litigation Unit of the U.S. Attorney's Office access to any requested financial information to include submitting to periodic debtor's examinations as directed by the Probation Office; 4) Defendant shall submit his person, residence, place of employment, or vehicle to a search conducted by the U.S. Probation Office at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of supervision. Failure to submit to a search may be grounds for revocation. The defendant shall warn any other resident that the premises may be subject to search pursuant to this condition; 5) Defendant is prohibited from the possession and use of alcohol. The Court also ordered the following:
Restitution of \$304.00 as to Count 1, \$68.40 as to Count 3, owed jointly and severally with codefendant Virginia Lee Johnson, \$41.90 as to Count 5, \$115.50 as to Count 6, is due immediately to Naval Criminal Investigative Service, and any remaining balance upon release from confinement be paid during the period of supervision

on an installment basis according to the collection policy of the Probation Office but at a rate of not less than 10 percent of his monthly gross income. Interest is waived while the defendant is serving his term of imprisonment and shall commence to accrue on any remaining balance upon his release on supervision.

Type of Supervision: Supervised Release Date Supervision Commences: 12/20/2007

PETITIONING THE COURT

[X] To modify the conditions of supervision as follows:

- 6) *That the defendant be placed in Mahoney Hale, a residential reentry center, for not more than 180 days at the discretion and direction of the Probation Office. The defendant shall participate in the programs at Mahoney Hale to include employment and job-training opportunities.*

CAUSE

During the prerelease planning process, the offender requested to participate in the Residential Reentry Center program upon his release. Therefore, we respectfully recommend that the Court modify the offender's conditions of supervision and impose the recommended special condition to allow him to participate in the Residential Reentry Center program. The offender otherwise would not have a residence upon his release from the Federal Detention Center. In order to assist the offender in seeking employment and housing, we believe he would benefit from a community corrections center placement at Mahoney Hale. Mahoney Hale provides a structured employment search program.

Attached is a signed Waiver of Hearing to Modify Conditions of Supervised Release. The offender waives his right to a hearing and to assistance of counsel. The offender agrees to the modification of the conditions of supervised release. The offender's attorney and the U.S. Attorney's Office have been notified of the proposed modification and have no objections to the modification.

Respectfully submitted by,



MERILEE N. LAU
U.S. Probation Officer

Approved by:



GENE DeMELLO, JR.
Supervising U.S. Probation Officer

Date: 7/7/2006

THE COURT ORDERS:

- ☒ The Modification of Conditions as Noted Above
☐ Other



DAVID ALAN EZRA
U.S. District Judge

7/13/06

Date

07/05/2006 08:42 FAX

002/002

PROB 49
(5/96)**United States District Court****District of Hawaii****Waiver of Hearing to Modify Conditions
of Probation/Supervised Release and/or Extend Term of Supervision**

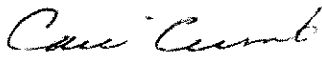
I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release and/or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release and/or to the proposed extension of my term of supervision:

[X] To modify the conditions of supervision as follows:

6. That the defendant be placed in Mahoney Hale, a residential reentry center, for not more than 180 days at the discretion and direction of the Probation Office. The defendant shall participate in the programs at Mahoney Hale to include employment and job-training opportunities.

Witness:

CARRIE CERVANTES
CASE MANAGER

Signed:

CARL GRAHAM ROBERTS, JR.
Supervised Releasee

7/5/06

Date

U.S. PROBATION OFFICE
HONOLULU, HAWAII

JUL -7 P1:09

RECEIVED